

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF REGULATORY SERVICES**

In re: AccuTech Insulation & Contracting, Inc.

Petition No2003-0813-053-007

**CONSENT ORDER**

WHEREAS, AccuTech Insulation & Contracting, Inc., of Ludlow, Massachusetts (hereinafter "respondent") has been issued license number 000076 to practice as an asbestos contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. In or about January through May 2003, respondent was the asbestos contractor for an asbestos abatement project within Building 10A at the Air National Guard Station located in Orange, Connecticut (hereinafter "the property").
2. On or about January 24, 2003, the Department conducted a compliance inspection at the property and hereby alleges that respondent:
  - a. failed to remove all movable objects from the contained asbestos work area, in that personal belongings, multiple unlined barrels of asbestos containing floor tile and one chair were observed within the work area;
  - b. failed to cover all non-movable objects in the work area with polyethylene sheeting attached securely in place, in that a sink and sink drain in a maintenance closet were not sealed; and

- c. failed to restrict work area access to authorized personnel afforded proper protective clothing and further failed to insure that no asbestos contaminated materials shall enter the clean room and that no person shall leave an asbestos abatement work area unless first properly decontaminated by showering, wet washing or high efficiency particulate air ("HEPA") filtered vacuuming. The Department investigator observed respondent's workers wearing "street" clothing within the work area and removing asbestos contaminated materials from the work area without proper decontamination.
3. The above described facts, if proven, constitute grounds for disciplinary action pursuant to Chapter 400a and §§19a-332 and 19a-332a of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-5(d), 19a-332a-5(f), 19a-332a-5(i) and 19a-332a-6(b) of the Regulations.

WHEREAS, respondent, in consideration of this Consent Order has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14 and 19a-17 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:


1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent's license number 000076 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.

3. Respondent shall pay a civil penalty of three thousand dollars (\$3,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check. Said civil penalty shall be payable at the time respondent submits this executed Consent Order to the Department.
4. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.
5. Respondent shall pay all costs necessary to comply with this Consent Order.
6. This Consent Order is effective on the date this Consent Order is accepted by the Department.
7. Respondent understands this Consent Order may be considered as a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any further proceeding before the Department in which its compliance with this Consent Order or with Chapters 400a or 368l of the General Statutes of Connecticut, as amended, is at issue.
8. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that it may have under the laws of the State of Connecticut or of the United States.
9. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
10. Respondent permits a representative of the Legal Office of the Bureau of Healthcare

Systems to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.

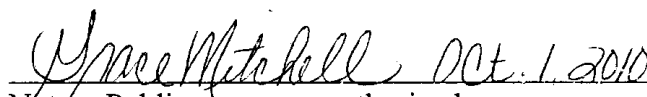
11. Respondent has the right to consult with an attorney prior to signing this document.
12. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

I, Keith Jenkins, President of AccuTech Insulation & Contracting, Inc., have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind AccuTech Insulation & Contracting, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



Keith Jenkins, President  
AccuTech Insulation & Contracting, Inc.

Subscribed and sworn to before me this 10<sup>th</sup> day of February, 2004.



Notary Public or person authorized  
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 19<sup>th</sup> day of February 2004, it is hereby accepted.



Ellen Blaschinski, Director  
Division of Environmental Health  
Bureau of Regulatory Services